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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/470,424	06/06/1995	OSAMU YOKOMIZO		7423

20457 7590 01/22/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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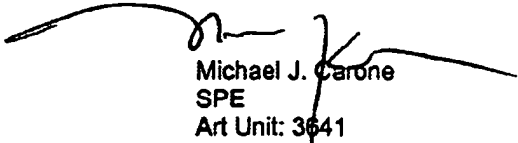
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Commissioner for Patents

The Office action mailed on December 18th 2003 has been given a response period beginning as of the mailing date of this letter. The response period has been set in light of the fact that a large amount of time has passed since the filing of the Appeal Brief of July 21, 2003. The time period is as follows:

Applicant is given 1 month or 30 days from the mailing date of this letter. Extensions of time of this period may be granted under 37CFR 1.136.


Michael J. Carone
SPE
Art Unit: 3641

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The reply filed on 7/21/03 is not fully responsive to the prior Office Action for the following reasons.

The first brief filed 10/26/01 was held defective for several reasons in the 6/20/03 Office action.

Three of said reasons have still not been corrected in the 7/21/03 brief.

The first of these reasons concerns the Summary of the Invention.

The Summary of the invention as presented in the 7/21/03 brief in attempting to describe appellants invention, still improperly incorporates subject matter from US 4,285,769 (e.g. see pages 9 and 10 of the brief). Such is improper since this U.S. Patent has not been incorporated by reference into appellants specification.

Appellant can includes this subject matter as part of the Arguments section of the brief or, it could be presented under a separate heading if it is made clear that it is subject matter that may not be supported by the original disclosure but merely provided to enhance the understanding of technical aspects in the art.

The Summary of the Invention must contain a concise explanation of the claimed invention, the Summary of the Invention in the brief however, still improperly refers to non-claimed disclosure (see for example, the brief on page 4 which refers to all of the coolant supplied to the coolant ascending path, as being introduced into the coolant descending path (claims such as claim 24 do not even refer to the water rod as having a coolant ascending path and a coolant descending path).

The second of these three reasons is that the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet

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does not present arguments in support thereof in the argument section of the brief. The 7/21/03 brief still does not comply with this requirement.

The third of these three reasons is that the brief does not present an argument under a separate heading for each issue on appeal. The 7/21/03 brief still does not comply with this requirement.

As one example thereof, issue (B) is "Whether claims 24, 50, 61 are rejected under 35 U.S.C. 103 9a) as being unpatentable over either Japan 0220686 or Japan 0031090 in view of Sofer alone or with Japan 61256282.

Appellants actual heading for issue (B) in the Arguments section of the 7/21/03 brief on page 24 is "(B) the addition of Japan 0220686 or Japan 0031090, which is clearly not a proper heading for issue (B) set forth above.

This heading by appellant on page 24 of the brief, (by the use of the phrase "the addition of") improperly implies that Japan 0220686 and Japan 0031090 are being used as secondary references, when in fact, they are primary references.


Since these issues were previously brought to appellants attention in the 6/20/03 Office action, the failure to correct these issues in the 7/21/03 brief cannot be considered inadvertent.

Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of

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extension and the corresponding amount of the fee. In no case may applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in the last Office action (6/20/03). A fully responsive reply must be timely filed to avoid abandonment of this application.



HARVEY E. BEHREND
PRIMARY EXAMINER